

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 17-27 are pending in the application, with claims 17 and 22 being the independent claims. Claims 1 to 16 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Claim 17 is amended to describe the invention even more clearly. Support for the amendment is found throughout the specification. See, e.g., paragraphs [0008] and [0018]-[0023]. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Applicant has amended the specification to place it in even better condition for allowance. Applicant has deleted a Table of Contents listing page numbers and corrected a typographical error to correctly spell the acronym, CORBA, which refers to Common Object Request Broker Architecture as would be apparent to a person skilled in the art given the description in the specification. Amendments are made to paragraph 0070, 0072-0073, 0080 and 0082 to delete an unnecessary name identifier "IGEN" and refer to ODL compiler 120 and module 215 throughout. Support for each of these changes is found throughout the specification, *inter alia*, at pages 19-21.

Objections to the Drawings

The drawings were objected to for failing to include certain reference numerals recited in the specification. Applicant has amended the drawings accordingly to overcome this objection. In particular, Applicant has amended FIGs. 1-4. FIG. 1 is amended to include reference numerals 115, 125, 135, and 137. FIG. 2 is amended to include reference numerals 115 and 222-226, delete reference numeral "200", and change reference numeral "230" to "120" as noted in paragraph [0073] in the specification. FIG. 3 is amended to add reference numeral 210a and change reference numerals 314, 316, 318, 320, 340 to 222-226, respectively. FIG. 4 text of step 408 is

changed to delete "generated by igen" and more simply read "Combine ODL and C++ object and place into file." References to the unnecessary name identifier "igen" have also been deleted or replaced in FIGs. 1 and 2 by the term "ODL" to even more consistently refer to ODL compiler 120. Support for each of these changes is found throughout the specification, *inter alia*, at pages 19-21.

Applicant respectfully requests that these proposed drawing changes be approved and that this objection be withdrawn.

Rejections under 35 U.S.C. § 112

Claim 6 was rejected under 35 U.S.C. § 112, first paragraph. The Examiner argued that the specification, while supporting the syntax BNF supported by the Scheme language, does not reasonably support the syntax described in the claim. See, *Office Action*, section 8. Applicant respectfully traverses. At the very least, claim 6 as originally filed provides support for this syntax on its own and even more so when considered in light of the overall description provided throughout the specification. Regardless, this objection is now moot as Applicant has canceled claim 6 without prejudice or disclaimer thereto.

Rejections under 35 U.S.C. § 101

Claims 1-16 were rejected under 35 U.S.C. § 101 as being directed impermissibly to a programming language. Applicant submits that this rejection is now moot as claims 1-16 have been cancelled without prejudice or disclaimer.

Rejections under 35 U.S.C. § 102

Claims 1-4, 7-9, and 15 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,480,856 issued to McDonald *et al.* ("McDonald"). See, *Office Action*, section 10. Applicant respectfully traverses.

Contrary to the assertions of the Examiner, McDonald does not recite an extensible, object-oriented portable programming language with each and every limitation set forth in claims 1-4, 7-9, and 15. Further, Applicant submits this rejection is

now moot as Applicant has cancelled claims 1-4, 7-9, and 15 without prejudice or disclaimer to the subject matter therein to expedite prosecution.

Claims 17 and 19-25 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,427,228 issued to Wigger *et al.* ("Wigger"). See, *Office Action*, section 11. Applicant respectfully traverses. Significant technical differences exist between Wigger and the claimed invention.

At a high-level, Wigger describes combining a meta data file and an object-oriented source code input file to create an object-oriented source code output file. The object-oriented source code output file can then be used to dynamically create objects at compile time in a computing environment. See, e.g., Wigger, col. 2, lns. 32-38. For instance, Wigger recites combining a meta data file and Java source code to dynamically create Java classes and JavaBeans (see, Abstract, lns. 1-2 and col. 3, ln. 48-col. 4, ln. 22).

In an aspect of the technique of Wigger, the meta data file includes specifications for macros. Such macro specifications can have a name for a particular macro and values for one or more parameters of a particular macro (see, Wigger, col. 2, ln. 39-col. 4, ln. 39). These values in the meta data file are then substituted for corresponding placeholders in a source code file (see, e.g., Wigger, abstract, lns. 6-10). In a preferred embodiment, Wigger uses syntax of the Extensible Markup Language (XML) to specify a metadata file (see, meta file 300 in FIG. 3 and Wigger, col. 8, ln. 30- col. 9, ln. 18). Metadata file 300 includes file name information 310-316 and macro specifications 330, 350, 370 (see, Wigger, FIG. 3 and col. 8, ln. 31- col. 9, ln. 18). Such macro specifications 330, 350, 370 have values that can be used as parameters during macro expansion (see, e.g., Wigger, FIGs. 3-7E and col. 9, ln. 7- col. 14, ln. 50).

Unlike the claimed invention, the XML meta data file in Wigger does not constitute "second program code written in an extensible, object-oriented programming language for describing said first program elements in said first program code written in said high-level programming language" as recited in claim 17, as amended. Such second program code written in an extensible, object-oriented programming language for describing said first program elements in said first program code written in said high-level programming language is simply not taught or suggested by Wigger.

Accordingly, Applicant respectfully submits claim 17 is patentable over Wigger. Dependent claims 19-21 are patentable for at least the same reasons as claim 17 and further in view of their own respective features.

Further independent claim 22 recites at the very least the step of "creating a second corresponding program using an extensible, object-oriented programming language to describe the high-level source code" which is not taught or suggested by Wigger. As noted above, the XML meta data file in Wigger does not constitute "a second corresponding program using an extensible, object-oriented programming language to describe the high-level source code, " as recited in claim 22.

Accordingly, Applicant respectfully submits claim 22 is patentable over Wigger. Dependent claims 23-24 are patentable for at least the same reasons as claim 22 and further in view of their own respective features.

Rejections under 35 U.S.C. § 103

Claims 5 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over McDonald, as applied to claims 4 and 15 above, in view of what is well-known in object-oriented programming. See, *Office Action*, section 13. Applicant respectfully traverses.

Applicant respectfully traverses Examiner's Official Notice and request specific evidence be provided if the Official Notice is maintained. Further, Applicant submits this rejection is now moot as Applicant has cancelled claims 5 and 16 without prejudice or disclaimer to the subject matter therein to expedite prosecution.

Claims 6 and 10-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over McDonald, as applied to claim 1 above, in view of "Chez Scheme User's Guide," by R. Kent Dyvbig ("Dyvbig"). See, *Office Action*, section 14. Applicants respectfully traverse.

Applicant respectfully traverses and submits that neither McDonald or Dyvbig, taken alone or in combination, teach each and every element of claims 6 and 10-14. Further, Applicant submits this rejection is now moot as Applicant has cancelled claims 6 and 10-14 without prejudice or disclaimer to the subject matter therein to expedite prosecution.

Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wigger, as applied to claim 17 above, in view of U.S. Pat. No. 6,675,370 issued to Sundaresan ("Sundaresan"). See, *Office Action*, section 15. Applicant respectfully traverses.

Sundaresan relates to software with automatic document generation (see, e.g., col. 2, lns. 1-14 and Figs. 1-3). Among other things, a custom Javadoc tag is introduced to represent productions in a class (see, e.g., FIG. 1 and col. 3, ln. 35-col. 4, ln. 29). At the very least, Sundaresan fails to overcome the deficiencies of Wigger noted above with respect to claim 17. Accordingly, even if for the sake of argument a combination is assumed proper, Applicant submits dependent claim 18 is patentable over Wigger and Sundaresan, taken alone or in combination, for at least the same reasons presented above and further in view of its own respective features.

Claim 26 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wigger, as applied to claim 25 above, in view of U.S. Pat. No. 6,546,549 issued to Li ("Li"). See, *Office Action*, section 16. Claim 27 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wigger and Li, as applied to claim 26 above, in view of Microsoft Press Computer Dictionary, 3rd Ed. ("Dictionary"). See, *Office Action*, section 17. Applicant respectfully traverses each of these rejections.

Neither Li nor the Dictionary overcome the above-noted deficiencies of Wigger. Accordingly, even the combination is assumed proper for the sake of argument, Applicant submits dependent claims 26 and 27 are patentable over Wigger, Li and the Dictionary, taken alone or in combination, for at least the same reasons presented above and further in view of their own respective features.

Other Matters

The objection to claim 16 is now moot since claim 16 has been cancelled without prejudice or disclaimer thereto.

Conclusion

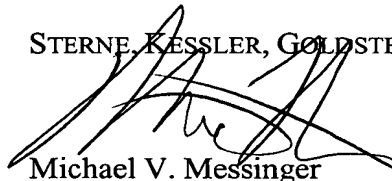
All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be

withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Michael V. Messinger", is written over the firm name.

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